

USDC-247-02/08) Order Regarding Motion for Sentence Reduction  
 WESTERN DISTRICT OF LOUISIANA  
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MAR - 5 2008

## UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

ROBERT H. SHEMWELE, CLERK  
 BY uh  
 DEPUTY

United States of America )

v. )

Todd Ramon Phillips )

Case No: 03-10014-004USM No: 11973-035Date of Previous Judgment: February 18, 2005 )Carol Whitehurst

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582 (c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:☐ DENIED.

☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 80 months is reduced to 70 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to any Departures)

Previous Offense Level: 29  
 Criminal History Category: I  
 Previous Guideline Range: 87 to 108 months

Amended Offense Level: 27  
 Criminal History Category: I  
 Amended Guideline Range: 70 to 87 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): The Safety Valve remains applicable.

**III. ADDITIONAL COMMENTS:** If this term exceeds the time of imprisonment already served, then the sentence is reduced to a "Time Served" sentence without any "Overserved Time" credit in case of future supervised release revocation. Defendant's post-sentencing Bureau of Prisons conduct has had a negative impact upon the amount of reduction. This sentence reduction is subject to the Prohibition contained in U.S.S.G. § 1B1.10 (b)(2)(C), which specifies that in no event may the reduced term of imprisonment be less than the term of imprisonment the defendant has already served.

Except as provided above, all provisions of the Judgment dated February 18, 2005 shall remain in effect.

**IT IS SO ORDERED.**Order Date: 3/6/08


Judge's Signature

Effective Date: March 16, 2008  
 COPY SENT (If different from order date)

DATE: 03/06/08BY: uhTO: USM + USPO

Honorable Dee D. Drell, U. S. District Judge